

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Hiroshi SANO et al.

Application No.: 09/971,020

Filed: October 5, 2001

For: THEOBROMINE SYNTHASE
POLYPEPTIDE OF COFFEE PLANT
AND THE GENE ENCODING SAID
POLYPEPTIDE



Group Art Unit: 1638

Examiner: Ashwin D. Mehta

Confirmation No.: 3752

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**THIRD
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98.

The enclosed document is submitted pursuant to 37 C.F.R. § 1.97(c). The fee required by 37 C.F.R. § 1.97(c)(2) is enclosed.

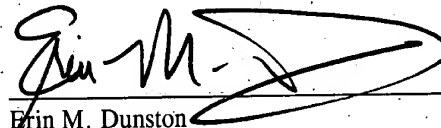
I, the undersigned, hereby state that the first publication, H. Kato *et al.*, "*Caffeine synthase gene from tea leaves*," 406 NATURE 956-967 (Aug. 2000), was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Third Information Disclosure Statement.

To assist the Examiner, this document is listed on the attached form PTO-1449. It is respectfully requested that an Examiner-initialed copy of this form be returned to the undersigned.

Respectfully submitted,
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 19, 2003

By:


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